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Letter dated 31 October 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 25 July 2005 (S/2005/484). The Counter-Terrorism Committee has received the attached sixth report from Bulgaria submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 19 October 2005 from the Permanent Mission of Bulgaria to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Bulgaria to the United Nations presents its compliments to the Chairman and has the honour to submit the sixth report of the Republic of Bulgaria on measures taken to implement Security Council resolution 1373 (2001) (see enclosure).

Enclosure

Sixth report of the Republic of Bulgaria to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)

In compliance with Paragraph 6 of Resolution 1373 (2001) and in response to the Letter from the Chairman of the Counter-Terrorism Committee, No. S/AC.40/2005/MS/OC.492 of 13 July 2005, we submit hereby the answers of the Bulgarian party to the additional questions raised in relation to the National Report on the measures taken by the Republic of Bulgaria in implementation of Resolution 1373 (2001).

1. Implementation Measures

1.1 Regarding the enactment of the draft Law on Forfeiture of Criminal Assets that is under consideration in the Parliament, the CTC would appreciate being informed of its final approval.

The Law on Forfeiture of Criminal Assets was adopted by the 39th National Assembly on 16 February 2005 and published in the *State Gazette*, No 19 of 1 March 2005. The Law introduces a comprehensive system for establishment and forfeiture of proceeds from criminal activity.

According to Article 3 (1), proceedings under this Law shall be initiated, whenever it has already been established that a certain individual has:

1. Acquired property of considerable value, in regard to which a reasonable assumption could be made that it has been accumulated from criminal activity, and
2. Criminal proceedings have been initiated against the individual in regard to any of the crimes under the Criminal Code, which have been exhaustively listed in the Law on Forfeiture of Criminal Assets, including: terrorism /Article 108a (1)/; financing of terrorism /Article 108a (2)/; establishment, leadership and membership of criminal group, intending to commit crimes under Article 108a (1) and (2) /Article 109/; preparations for terrorism /Article 110/; money laundering /Article 253/; and preparations for money laundering /Article 253a/.

Pursuant to Article 15 (1) of the Law, within the framework of the Commission on Establishment of Criminal Assets (set up under the Law on Forfeiture of Criminal Assets and constituted on 5 August 2005) directors of territorial directorates and inspectors in these directorates conduct checks and collect evidence in order to establish the origin and the location of property, in regard to which data are available that it has been directly or indirectly obtained from criminal activity.

Pursuant to the Law on Forfeiture of Criminal Assets any information, required for the checks under this Law, shall be provided on a priority basis to the authorities for establishment of criminal assets by the Financial Intelligence Agency, the Public Internal Financial Control Agency, the National Audit Office, the Privatization Agency, the Post-Privatization Control Agency, the Customs Agency, the tax administration, the registration services, the district courts which keep commercial registers, and the respective offices of the municipal and the regional administration.

The changes, provided for by this Law, have been introduced also in previous legislative acts, such as: Law on Measures against Financing of Terrorism, Law on Notaries and the Notarial Activity, the Law on Banking, Tax Procedure Code, Law on Public Offering of Securities.

1.2. In the same regard, the CTC would be grateful to be informed of the amendment of Administrative Offences and Punishments Act and the adoption by Parliament of the Code of Administrative procedure, which are pending.

The amendments of the Administrative Offences and Punishments Act (AOPA), related to the liability of legal entities for crimes, have been separated from the draft Code of Administrative Procedure and were tabled before the 40th National Assembly on 24 August 2005 as an individual Law Amending and Supplementing AOPA in order to ease debate and speed up their adoption.

The amendments of AOPA, regulating the liability of legal entities for crimes, were adopted by the Parliament on 21 September and were promulgated in *State Gazette*, No. 79 on 4 October 2005.

Pursuant to Article 83a of AOPA, legal entities which have enriched themselves or would have enriched themselves from the crimes expressly indicated, shall be punished by a property sanction of up to BGN 1 000 000 (leva) for offences, including: terrorism and financing of terrorism /Article 108a of the Criminal Code/; establishment, leadership and membership of organized terrorist group /Article 109 of the Criminal Code/; preparations for terrorism /Article 110 of the Criminal Code/; manifest incitement to terrorism /Article 320a of the Criminal Code/; and threat to commit terrorist act /Article 320a of the Criminal Code/. This property sanction shall be imposed separately and regardless of the enforcement of the criminal liability of the perpetrator /Article 83a (3) of AOPA/.

Proceedings under Article 83a are initiated by a substantiated proposal from the respective prosecutor to the district court, after the bringing in of the indictment against the perpetrator /Article 83b (1) of AOPA/.

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In addition to the above we would like to inform the Counter-Terrorism Committee that on 14 September 2005 the President of the Republic of Bulgaria signed in New York the UN International Convention for the Suppression of Acts of Nuclear Terrorism, and that we are completing the procedure for Bulgaria's accession to the Council of Europe Convention on the Prevention of Terrorism.